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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,787	12/20/2000	Outi Aho	442-010040-US(PAR)	8462
2512	7590	12/03/2004	EXAMINER	
PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			QURESHI, SHABANA	
		ART UNIT	PAPER NUMBER	
		2155		

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/742,787	AHO, OUTI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Shabana Qureshi	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 May 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 20-30 is/are allowed.
- 6) Claim(s) 1 and 4-19 is/are rejected.
- 7) Claim(s) 2 and 3 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. Applicant's arguments filed 7 May 2004 have been fully considered but they are not persuasive. Claims 1-19 are pending in this office action. Claims 20-30 are allowed.

### ***Response to Arguments***

2. Applicant claims that the inquiry from the messaging server of Turunen is sent to a DNS server outside of the cellular network. However, lines 2-4 of Turunen state the following:

"This examination can be conducted for example in such a way that the e-mail server MSV transmits a query message to a name server DNS *attached to the GPRS system.*"

Therefore, the DNS server is within the cellular network.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Matti Turunen (WO 99/61966).

Regarding claim 1, Turunen teaches a method for implementing a messaging service between a terminal of a cellular network and a messaging server external to the cellular network, the method comprising:

- receiving a message addressed to the terminal at the messaging server, wherein the method comprises (page 6, line 33 – page 7, line 2);
- sending a first inquiry from the messaging server to a specific first network element in the cellular network to determine the readiness of the terminal to receive data (page 7, lines 1-6);
- determining the readiness of the terminal to receive data as a result of operations performed by the first network element (page 7, lines 5-10);
- sending a first response message from the first network element of the cellular network to the messaging server, in response to the first inquiry, in which response message the readiness of the terminal to receive data is indicated (page 7, lines 6-8).

As per claim 4, Turunen teaches the method of claim 1, wherein in a situation, where the terminal (MS) is ready to receive data through a specific network element, the method comprises sending the message addressed to the terminal from the messaging server to the terminal through the specific network element (page 7, lines 23-35).

As per claim 5, Turunen teaches the method of claim 1, wherein in a situation, where the terminal (MS) is not ready to receive data through any the network element, the method comprises repeating the first inquiry after a specific period of time (page 7, lines 8-11).

As per 6, Turunen teaches the method of claim 1, wherein the network elements are gateway support nodes of a GPRS (General Packet Radio Service) network (page 7, line 36 – page 8, line 2).

As per claim 7, Turunen teaches the method of claim 1, wherein the IP address of the terminal (MS) is indicated to the messaging server in the first response message (page 7, lines 5-10).

As per claim 8, Turunen teaches the method of claim 1, wherein one of the following is used to identify the terminal MS in the cellular network: an IMSI (International Mobile Subscriber Identity) code, an IMUI (International Mobile User Identity) code (page 13, line 24).

As per claim 9, Turunen teaches the method of claim 1, wherein a specific identifier external to the cellular network is used between the cellular network and the messaging server to identify the terminal (page 7, lines 1-15).

As per claim 10, Turunen teaches the method of claim 1, wherein the messaging server transfers a multimedia message to the terminal (page 9, lines 19-23).

As per claim 11, Turunen teaches the method of claim 1, wherein the first inquiry is always sent from the messaging server to the same first network element (page 7, lines 3-9).

As per claim 12, Turunen teaches the method of claim 1, wherein data transmission is effected in a packet switched mode (page 11, lines 5-35).

The subject matter of claims 13 – 18 are rejected in the analysis above in claims 1, 4-12 and these claims are rejected on that basis.

Claim 19 is essentially the same as claim 1 except that it set form the claimed invention as a system rather than a process and rejected for the same reasons as applied hereinabove.

***Allowable Subject Matter***

5. Claims 20-30 are allowed.
6. Claims 2 and 3 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shabana Qureshi whose telephone number is (571) 272-3990. The examiner can normally be reached on Monday - Thursday, 9:30 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shabana Qureshi  
Examiner  
Art Unit 2155

SQ  
29 November 2004

  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER